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October 29, 2009

Richard Westling, Esq.
Ober Kaler Grimes & Shriver
1401 H Street, N.W., Suite 500
Washington, D.C. 20005

Re: Impeachment Inquiry of Judge G. Thomas Porteous, Jr.

Dear Mr. Westling:

It has come to the attention of the Impeachment Task Force that you may currently represent Louis M. Marcotte, III, and Lori M. Marcotte in connection with civil litigation arising out of their operation of Bail Bonds Unlimited, Inc. (Bartholomew v. Bail Bonds Unlimited, Inc. et al, Case No. 2:05-cv-04165-ILRL-JCW (E.D. La.), and that you previously represented Louis M. Marcotte, III, in his criminal case (U.S. v. Marcotte, Crim. No. 04-061 (E.D. La.)).

As you know, Judge Porteous's relationship with Louis Marcotte and Lori Marcotte may be at issue in the pending Impeachment Inquiry being conducted by the Task Force for the House of Representatives, Committee on the Judiciary, and either or both may be called as witnesses at a hearing adverse to Judge Porteous.

As we are also sure you are aware, because of your duties of loyalty to current and prior clients and duties to protect confidential information, if there were to be a hearing where the relationship between the Marcottes and Judge Porteous is at issue, there would be significant conflict of interest issues arising from your participation. Further, those conflict issues may be implicated by your participation in the formulation of a factual defense of Judge Porteous where you are constrained from providing advice due to your ongoing ethical obligations.

As you know, the ethical bar rules in the District of Columbia, Maryland and Louisiana require informed consent by all clients in order to permit waivers of conflicts, and two of these jurisdictions require that such informed consent be in a signed writing. See, e.g., District of Columbia Rules of Professional Conduct, Rule 1.7(c); Louisiana Rules of Professional Conduct, Rule 1.7(b)(4) (requires writing); Maryland Lawyer's Rules of Professional Conduct, Rule 1.7(b)(4) (requires writing). We request that you promptly provide the Task Force with signed consent forms from all three of these clients. Until the Task Force and Committee are fully apprised, we will not be in a position to make a determination of the appropriate treatment of this situation in the event that the Marcottes are called as witnesses adverse to Judge Porteous.

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We write now to put you and Judge Porteous on notice of the House's concern and so that you and he can take appropriate steps promptly to deal with this situation. We are aware that, in the past, Judge Porteous sought delays in Fifth Circuit proceedings in order for him to obtain new counsel. No delays in our schedule will be permitted to accommodate any search for additional or replacement counsel for Judge Porteous. If a hearing is scheduled at which the Marcottes are to testify, the Task Force will not postpone it in order for Judge Porteous to obtain new or different counsel.

We look forward to your providing the Task Force with the information we seek and your response to our concerns at your earliest opportunity so that the Task Force and the Committee can determine how we will proceed in light of this situation.

Please respond to Alan I. Baron, Esq., Seyfarth Shaw, 975 F. Street, N.W., Washington, D.C., 20004 (202-828-3589).

Sincerely,



Adam Schiff
Chairman
Impeachment Task Force



Bob Goodlatte
Ranking Member
Impeachment Task Force